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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,557	11/27/2001	Sanjeev Sharma	CM2478M	8739

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EXAMINER

KORNAKOV, MICHAEL

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/994,557

**Applicant(s)**

SHARMA ET AL.

**Examiner**

Michael Kornakov

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7 and 11-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,8-10 and 15-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-13 and 15-24 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Claims 1-13 and 15-24 are pending. Claims 4, 5, 7, 11-13 are withdrawn from consideration. Claims 23 and 24 are new. Claims 1-3, 6, 8-10, 15-22, 23 and 24 are examined on the merits.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 23 and 24 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the embodiment wherein the particulate composition and the anhydrous composition are placed in two different **horizontal layered compartments**, wherein the **anhydrous composition being placed above the particulate composition**, does not reasonably provide enablement for any other than horizontal layered type compartments and for any other relative placement of compositions than the anhydrous composition being placed above the particulate composition. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. Claims 23 broadly recites that "one compartment is placed above another compartment". The instant specification on page

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22 describes only horizontal layered compartments and specifically indicates that the anhydrous composition being placed above the particulate composition.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 2, 3, 6, 8, 9, 10, 15-22, 23 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al (U.S. 4,115,292) in view of Anderson et al (U.S. 4,776,455).

With regard to claims 1, 19, 20, 22 Richardson discloses a method for using detergent articles in automatic dishwasher comprising contacting the subjects to be washed with a detergent (Example IX, col.23) that consists of two pads, wherein an enzyme (detergent auxiliary of the instant claim 1) is enclosed in an inner water soluble film carrier (reads on one compartment of multi-compartment pouch of claim 1), and a detergent (automatic dishwashing product of the instant claim 2) is enclosed in an outer water soluble film pocket (reads on another separate compartment of multi-compartment pouch of the instant claim 1) (abstract, see especially Example XVI in col.23, 24). In Example XVI Inner and outer pockets are made from the same water soluble material. Thus, the structure provides for a **pouch comprising water soluble material**, having **two compartments** (inner and outer pockets made of the same water soluble material), and **having a barrier**, which is defined by the boundaries of the inner packet. Thus, the limitations of the pouch structure are met by Richardson.

The outer and inner packets can be made according to Richardson from different water soluble materials, which inherently provides for their different rates of solubility

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under given temperature conditions, and thus meets the limitations of claim 15. A detergent composition is solid particulate, in granular, viscous liquid, paste or gel form (col.10, lines 32-36). With regard to claims 8, 9, 10 Richardson teaches that the inner compartment in addition to the detergent auxiliary contains 10- 30% of plasticizer, which is selected from **glycols** (the auxiliary elected by applicants), glycerol, sorbitol, triethanolamine and mixtures thereof (col.7, lines 44-68, col.8, lines 1-14, claims 21, 22 in col.29). With regard to claim 16, Richardson teaches that the detergent composition contains ionic, nonionic or other types of surfactants (col.10, lines 37-45).

The difference between the instant claim 1 and the new claims 20 and 22 is the “anhydrous liquid” vs. “liquid”, wherein the “liquid” of claims 20 and 22 is allowed to be either anhydrous or not. Therefore, the rationale applied for the rejection of claims 1 and 19 is fully attributed to the rejection of claims 20 and 22. The limitations of claim 21 are discussed in col.10, lines 32-36 of Richardson.

With regard to the process steps (2), as per instant claims 1, 19 and 20, and step (3) of claim 22 Richardson teaches that the detergent article (made as discussed above) is placed in the detergent dispenser cup of an automatic dishwasher, and dirty dishes and tableware are washed with it. The dishes and tableware are clean after the completion of the dishwasher cycle, and there is no residue of the paste or the packet remaining in the dispenser cup or on the inside of the dishwasher (see col. 23, lines 5-11). Thus, the steps of the instantly claimed process are performed by Richardson.

Anderson discloses multi-compartment sachet product for delivering treatment

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agents to the washing machine or dishwasher comprising a first compartment capable of releasing its contents (solid or liquid) within 3 minutes from the start of the wash process, and a second compartment of water-permeable material provided with a pore-occluding coating and/or in the form of a sachet. Anderson equally discloses at least two types of multi-compartment pouch, one wherein sachet contains a first compartment, and an adjacent second compartment separated from the first by non-opening seal (reads on barrier) (see col.4, lines 13-19). **Alternatively or additionally**, the sachet can be enclosed within another sachet compartment of porous water-permeable material. This other sachet compartment may simply be the first compartment; the second compartment (inner sachet) is then located, together with the first treatment agent, in the first compartment (outer sachet) (col.4, lines 20-30).

Thus, Anderson equally discloses as equivalents a construction, as disclosed by Applicants in one embodiments in the specification, (on which applicants rely in their rebuttal), and a structure as disclosed in Richardson. In the instant case substitution of equivalents requires no express motivation, as long as the prior art recognizes equivalency, **In re Fount** 213 USPQ 532 (CCPA 1982); **In re Siebentritt** 152 USPQ 618 (CCPA 1967); **Graver Tank & Mfg. Co. Inc. V. Linde Air products Co.** 85 USPQ 328 (USSC 1950). Therefore, those skilled in the art would have found obvious to use either one of constructions of Anderson (one is equivalent to Richardson and one is the same as claimed) for the pouch, motivated by their recognized equivalency in the prior art, and will thus arrive at the claimed subject matter. With regard to claims 23 and 24

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the location of compartments such that one is above the other, is mere a design choice and would be obvious to those skilled in the art.

### ***Response to Arguments***

5. Rejection based on Applicants' admission is withdrawn in light of Applicants' remarks and Affidavit.

6. Applicants' arguments with regard to the difference of the pouch of Richardson and that of the instant claims, presented previously and during the interview are not persuasive.

Applicants' attention is drawn to col.23, lines 5-11, wherein the steps of contacting the pouch with tableware in a washing cycle is described. Applicants' attention is also drawn, for instance, to Example XVI, (col.24, lines 35-65), wherein 1 cm square heat sealed **packet** made of PVA film is enclosed within 5 cm square outer packet of PVA film. Thus, there are two compartments inner and outer and they have a barrier between them, which is a boundary of the inner packet.

It is further noted that the method of making a pouch that is used in the claimed method of washing dishware by using this pouch, is irrelevant, as soon as the pouch per se is anticipated or suggested by Richardson. Applicants are further advised that since **no drawings are presented** with regard to the pouch structure, which Applicants regard as a major difference, compare to the prior art, the pouch structure is given it's broadest reasonable interpretation consistent with the claim language, namely: a)having

at least two compartments and b) having a barrier layer formed by the pouch material.

These limitations are present in Richardson.

With regard to Anderson reference, Applicants have not presented the new arguments, and therefore, the rationale applied in the previous office action is incorporated herein by reference.

Applicants' attention is also drawn to the fact that the instant disclosure recites the use of **anhydrous** liquid, gel or paste form dishwashing detergent auxiliary (page 3, lines 21-22), however the instant claims 20 and 22 recite "a liquid, gel or paste form".

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00am - 5:30pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Kornakov  
Primary Examiner  
Art Unit 1746

August 22, 2005